



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,006	01/23/2002	Cory L. Factor	32938.1	1220

7590

05/05/2005

Kurt J. Niederluecke
BRIGGS AND MORGAN
2200 First National Bank Building
332 Minnesota Street
Saint Paul, MN 55101

EXAMINER

NGUYEN, PHUOC H

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/053,006	Applicant(s) FACTOR, CORY L.	
	Examiner Phuoc H. Nguyen	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/25/02</u> | 6) <input type="checkbox"/> Other: _____ |

A

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Bowser et al.

(Hereafter, Bowser) Pub. No.: U.S. 2002/0105529 A1.

3. Regarding claims 1 and 8, Bowser discloses a method for providing content in at least one electronic format to a distributed network (Abstract), said method comprising: providing the content in the at least one electronic format to a computer (Figure 1); capturing the content as an electronic file on the computer (Figure 1; and paragraph [0007]); providing indicia for identifying the electronic file in an electronic format to the computer, associating the identifying indicia with the electronic file (paragraph [0007]); converting the file to a format suitable for distribution over the distributed network (paragraph [0010] lines 12-18); and providing the file and associated identifying indicia to a server accessible over the distributed network (paragraphs [0012, 0013]).
4. Regarding claims 2 and 9, Bowser further discloses the content comprises a live video feed (paragraph [0009] lines 1-3).

Art Unit: 2143

5. Regarding claims 3 and 10, Bowser further discloses the identifying indicia comprises metadata including hypertext links (paragraph [0058]).
6. Regarding claims 4 and 11, Bowser further discloses the distributed network is the internet and the identifying indicia comprises metadata including hypertext links (paragraphs [0012 and 0058]).
7. Regarding claims 5 and 12, Bowser further discloses the content includes a live video feed and at least additional content in at least one additional format from the group including text, audio, or graphics [paragraph [0012]].
8. Regarding claims 6, and 13-15, Bowser further discloses the distributed network is the internet and the identifying indicia comprises metadata including hypertext links (paragraphs [0012 and 0058]).
9. Regarding claims 7 and 16, Bowser further discloses the content is a television news broadcast and includes information in video format and at least additional content in at least one additional format from the group including text, audio, or graphics (paragraph [0012 and 0013]).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Son et al. U.S. Pub. 2002/0047899

Gupta et al. U.S. Patent 6,622,171

Densmore U.S. Patent 6,591,305

Kenner et al. U.S. Patent 6,421,726

DeMartin et al. U.S. Patent 6,226,672

Kenner et al. U.S. Patent 5,956,716

Hanna et al. U.S. Patent 5,923,791

Ange U.S. Patent 6,121,963

Searle U.S. Patent 6,745,328

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc H Nguyen
Examiner
Art Unit 2143

April 26, 2005


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100